IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1039 OF 2005

Rajendra C. Lachake ....

Petitioner

Versus

Sou. Jamuna @ Chhaya Rajendra Lachake and ors. ...Respondents

Mr. A.P. Vanarse for the petitioner.
Mr. Ramesh Dubey Patil, instructed by Ajay Misar & Co. for Respondent Nos. 1 to 3.
Mr. Y.S. Shinde, A.P.P., for the State.

CORAM: **A.M. KHANWILKAR, J.**
DATE: **DECEMBER 13, 2005**.

P.C.

In so far as the amount towards cost directed to be paid under order dated 25th October, 2005 is concerned, Counsel for the Petitioner assures that the said amount will be made over to the Counsel for Respondent Nos. 1 to 3 forthwith in cash. The amount has been accepted by the Counsel for the Respondent Nos. 1 to 3 in Court.

2. In so far as the arrears of amount to be paid under the impugned order is concerned, according to Respondent Nos. 1 to 3, the outstanding amount is Rs.1,35,000/- till October, 2005. Counsel for the Petitioner, however, submits that portion of the amount is already made over. He is not

in a position to substantiate this position. Petitioner shall deposit sum of Rs.1,35,000/- in this Court on or before 22nd December, 2005 failing which the petition to stand dismissed for non-prosecution without further reference to the Court. If the above said amount is deposited in Court in time, it will be open to Respondent No. 1 to withdraw the same without prejudice to the rights and contentions of the parties in the present proceedings including the claim of the Petitioner that portion of the amount has already been made over to Respondent No.1. All those questions will be considered at a later date and can also be raised before the Mediator so that full and final settlement is arrived at between the parties.

3. Stand over to 23rd December, 2005 under caption “Settlement” in the event amount of arrears referred to above is deposited in time.

(A.M. KHANWILKAR, J.)